

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LAURA LEE ROBINSON aka LAURA LEE
SCHUBERT
1521 Doris Lane
Newport Beach, CA 92660

Registered Nurse License No. 539884
Public Health Nurse Certificate No. 59432

Respondent

Case No. 2007-82

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on March 24, 2008.

IT IS SO ORDERED February 22, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARGARET A. LAFKO
Supervising Deputy Attorney General
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9 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

14 LAURA LEE ROBINSON aka LAURA LEE
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15 1521 Doris Lane
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16 Registered Nurse License No. 539884
17 Public Health Nurse Certificate No. 59432

18 Respondent.
19

Case No. 2007-82

OAH No. L-2006120373

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
22 above-entitled proceedings that the following matters are true:

23 PARTIES

24 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
25 the Board of Registered Nursing. She brought this action solely in her official capacity and is
26 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
27 by Rita M. Lane, Deputy Attorney General.

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2. Respondent Laura Lee Robinson aka Laura Lee Schubert (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about January 21, 1998, the Board of Registered Nursing issued Registered Nurse License No. 539884 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-82 and will expire on April 30, 2007, unless renewed.

4. On or about August 21, 1998, the Board of Registered Nursing issued Public Health Nurse Certificate No. 59432 to Respondent. The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-82 and will expire on April 30, 2007, unless renewed.

JURISDICTION

5. Accusation No. 2007-82 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 12, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-82 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-82. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

1 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
2 each and every right set forth above.

3 CULPABILITY

4 9. Respondent admits the truth of each and every charge and allegation in
5 Accusation No. 2007-82.

6 10. Respondent agrees that her Registered Nurse License and Public Health
7 Nurse Certificate are subject to discipline and she agrees to be bound by the Board's imposition
8 of discipline as set forth in the Disciplinary Order below.

9 CONTINGENCY

10 11. This stipulation shall be subject to approval by the Board of Registered
11 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
12 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
13 and settlement, without notice to or participation by Respondent. By signing the stipulation,
14 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
15 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
16 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
17 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
18 between the parties, and the Board shall not be disqualified from further action by having
19 considered this matter.

20 OTHER MATTERS

21 12. The parties understand and agree that facsimile copies of this Stipulated
22 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
23 force and effect as the originals.

24 DISCIPLINARY ORDER

25 In consideration of the foregoing admissions and stipulations, the parties agree
26 that the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:

28 ///

1 IT IS HEREBY ORDERED that Registered Nurse License No. 539884 issued to
2 Respondent Laura Lee Robinson aka Laura Lee Schubert is revoked. However, the revocation is
3 stayed and Respondent's Registered Nurse License is placed on probation for three (3) years on
4 the following terms and conditions.

5 IT IS HEREBY ORDERED that Public Health Nurse Certificate No. 59432
6 issued to Respondent Laura Lee Robinson aka Laura Lee Schubert is revoked. However, the
7 revocation is stayed and Respondent's Public Health Nurse Certificate is placed on probation for
8 three (3) years on the following terms and conditions.

9 **Severability Clause.** Each condition of probation contained herein is a separate
10 and distinct condition. If any condition of this Order, or any application thereof, is declared
11 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
12 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
13 and enforceable to the fullest extent permitted by law.

14 1. **Actual Suspension of License.** Respondent is suspended from the
15 practice of registered nursing for 1 year beginning the effective date of this Decision.

16 During the suspension period, all probation conditions are in full force and effect
17 except those relating to actual nursing practice. This period of suspension will not apply to the
18 reduction of this probationary time period.

19 2. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
20 A full and detailed account of any and all violations of law shall be reported by Respondent to
21 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
22 compliance with this condition, Respondent shall submit completed fingerprint forms and
23 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
24 as part of the licensure application process.

25 **Criminal Court Orders:** If Respondent is under criminal court orders, including
26 probation or parole, and the order is violated, this shall be deemed a violation of these probation
27 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

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1 3. **Comply with the Board's Probation Program.** Respondent shall fully
2 comply with the conditions of the Probation Program established by the Board and cooperate
3 with representatives of the Board in its monitoring and investigation of the Respondent's
4 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
5 within no more than 15 days of any address change and shall at all times maintain an active,
6 current license status with the Board, including during any period of suspension.

7 Upon successful completion of probation, Respondent's license shall be fully
8 restored.

9 4. **Report in Person.** Respondent, during the period of probation, shall
10 appear in person at interviews/meetings as directed by the Board or its designated
11 representatives.

12 5. **Residency, Practice, or Licensure Outside of State.** Periods of
13 residency or practice as a registered nurse outside of California shall not apply toward a reduction
14 of this probation time period. Respondent's probation is tolled, if and when she resides outside
15 of California. Respondent must provide written notice to the Board within 15 days of any change
16 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
17 returning to practice in this state.

18 Respondent shall provide a list of all states and territories where she has ever been
19 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
20 provide information regarding the status of each license and any changes in such license status
21 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
22 new nursing license during the term of probation.

23 6. **Submit Written Reports.** Respondent, during the period of probation,
24 shall submit or cause to be submitted such written reports/declarations and verification of actions
25 under penalty of perjury, as required by the Board. These reports/declarations shall contain
26 statements relative to Respondent's compliance with all the conditions of the Board's Probation
27 Program. Respondent shall immediately execute all release of information forms as may be
28 required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

7. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

8. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related

1 employment with a full explanation of the circumstances surrounding the termination or
2 separation.

3 9. **Supervision.** Respondent shall obtain prior approval from the Board
4 regarding Respondent's level of supervision and/or collaboration before commencing or
5 continuing any employment as a registered nurse, or education and training that includes patient
6 care.

7 Respondent shall practice only under the direct supervision of a registered nurse
8 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
9 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
10 are approved.

11 Respondent's level of supervision and/or collaboration may include, but is not
12 limited to the following:

13 (a) Maximum - The individual providing supervision and/or collaboration is
14 present in the patient care area or in any other work setting at all times.

15 (b) Moderate - The individual providing supervision and/or collaboration is in
16 the patient care unit or in any other work setting at least half the hours Respondent works.

17 (c) Minimum - The individual providing supervision and/or collaboration has
18 person-to-person communication with Respondent at least twice during each shift worked.

19 (d) Home Health Care - If Respondent is approved to work in the home health
20 care setting, the individual providing supervision and/or collaboration shall have person-to-
21 person communication with Respondent as required by the Board each work day. Respondent
22 shall maintain telephone or other telecommunication contact with the individual providing
23 supervision and/or collaboration as required by the Board during each work day. The individual
24 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
25 site visits to patients' homes visited by Respondent with or without Respondent present.

26 10. **Employment Limitations.** Respondent shall not work for a nurse's
27 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
28 traveling nurse, or for an in-house nursing pool.

1 Respondent shall not work for a licensed home health agency as a visiting nurse
2 unless the registered nursing supervision and other protections for home visits have been
3 approved by the Board. Respondent shall not work in any other registered nursing occupation
4 where home visits are required.

5 Respondent shall not work in any health care setting as a supervisor of registered
6 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
7 nurses and/or unlicensed assistive personnel on a case-by-case basis.

8 Respondent shall not work as a faculty member in an approved school of nursing
9 or as an instructor in a Board approved continuing education program.

10 Respondent shall work only on a regularly assigned, identified and predetermined
11 worksite(s) and shall not work in a float capacity.

12 If Respondent is working or intends to work in excess of 40 hours per week, the
13 Board may request documentation to determine whether there should be restrictions on the hours
14 of work.

15 **11. Complete a Nursing Course(s).** Respondent, at her own expense, shall
16 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
17 than six months prior to the end of her probationary term.

18 Respondent shall obtain prior approval from the Board before enrolling in the
19 course(s). Respondent shall submit to the Board the original transcripts or certificates of
20 completion for the above required course(s). The Board shall return the original documents to
21 Respondent after photocopying them for its records.

22 **12. Cost Recovery.** Respondent shall pay to the Board costs associated with
23 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
24 reduced amount of \$3,681.00. Respondent shall be permitted to pay these costs in a payment
25 plan approved by the Board, with payments to be completed no later than three months prior to
26 the end of the probation term.

27 If Respondent has not complied with this condition during the probationary term,
28 and Respondent has presented sufficient documentation of her good faith efforts to comply with

1 this condition, and if no other conditions have been violated, the Board, in its discretion, may
2 grant an extension of Respondent's probation period up to one year without further hearing in
3 order to comply with this condition. During the one year extension, all original conditions of
4 probation will apply.

5 **13. Violation of Probation.** If Respondent violates the conditions of her
6 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
7 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

8 If during the period of probation, an accusation or petition to revoke probation has
9 been filed against Respondent's license or the Attorney General's Office has been requested to
10 prepare an accusation or petition to revoke probation against Respondent's license, the
11 probationary period shall automatically be extended and shall not expire until the accusation or
12 petition has been acted upon by the Board.

13 **14. License Surrender.** During Respondent's term of probation, if she ceases
14 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
15 probation, Respondent may surrender her license to the Board. The Board reserves the right to
16 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
17 take any other action deemed appropriate and reasonable under the circumstances, without
18 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
19 will no longer be subject to the conditions of probation.

20 Surrender of Respondent's license shall be considered a disciplinary action and
21 shall become a part of Respondent's license history with the Board. A registered nurse whose
22 license has been surrendered may petition the Board for reinstatement no sooner than the
23 following minimum periods from the effective date of the disciplinary decision:

- 24 (1) Two years for reinstatement of a license that was surrendered for any
25 reason other than a mental or physical illness; or
26 (2) One year for a license surrendered for a mental or physical illness.

27 **15. Physical Examination.** Within 45 days of the effective date of this
28 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or

1 physician assistant, who is approved by the Board before the assessment is performed, submit an
2 assessment of the Respondent's physical condition and capability to perform the duties of a
3 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
4 medically determined, a recommended treatment program will be instituted and followed by the
5 Respondent with the physician, nurse practitioner, or physician assistant providing written
6 reports to the Board on forms provided by the Board.

7 If Respondent is determined to be unable to practice safely as a registered nurse,
8 the licensed physician, nurse practitioner, or physician assistant making this determination shall
9 immediately notify the Board and Respondent by telephone, and the Board shall request that the
10 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
11 shall immediately cease practice and shall not resume practice until notified by the Board.
12 During this period of suspension, Respondent shall not engage in any practice for which a license
13 issued by the Board is required until the Board has notified Respondent that a medical
14 determination permits Respondent to resume practice. This period of suspension will not apply
15 to the reduction of this probationary time period.

16 If Respondent fails to have the above assessment submitted to the Board within
17 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
18 practice until notified by the Board. This period of suspension will not apply to the reduction of
19 this probationary time period. The Board may waive or postpone this suspension only if
20 significant, documented evidence of mitigation is provided. Such evidence must establish good
21 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
22 provided. Only one such waiver or extension may be permitted.

23 **16. Participate in Treatment/Rehabilitation Program for Chemical**
24 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
25 period or shall have successfully completed prior to commencement of probation a Board-
26 approved treatment/rehabilitation program of at least six months duration. As required, reports
27 shall be submitted by the program on forms provided by the Board. If Respondent has not
28 completed a Board-approved treatment/rehabilitation program prior to commencement of

1 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
2 a program. If a program is not successfully completed within the first nine months of probation,
3 the Board shall consider Respondent in violation of probation.

4 Based on Board recommendation, each week Respondent shall be required to
5 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
6 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
7 by the Board. If a nurse support group is not available, an additional 12-step meeting or
8 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
9 such attendance to the Board during the entire period of probation. Respondent shall continue
10 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
11 mental health examiner and/or other ongoing recovery groups.

12 17. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
13 shall completely abstain from the possession, injection or consumption by any route of all
14 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
15 the same are ordered by a health care professional legally authorized to do so as part of
16 documented medical treatment. Respondent shall have sent to the Board, in writing and within
17 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
18 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
19 medication will no longer be required, and the effect on the recovery plan, if appropriate.

20 Respondent shall identify for the Board a single physician, nurse practitioner or
21 physician assistant who shall be aware of Respondent's history of substance abuse and will
22 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
23 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
24 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
25 condition. If any substances considered addictive have been prescribed, the report shall identify a
26 program for the time limited use of any such substances.

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1 The Board may require the single coordinating physician, nurse practitioner, or
2 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
3 addictive medicine.

4 **18. Submit to Tests and Samples.** Respondent, at her expense, shall
5 participate in a random, biological fluid testing or a drug screening program which the Board
6 approves. The length of time and frequency will be subject to approval by the Board.
7 Respondent is responsible for keeping the Board informed of Respondent's current telephone
8 number at all times. Respondent shall also ensure that messages may be left at the telephone
9 number when she is not available and ensure that reports are submitted directly by the testing
10 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
11 to the Board by the program and Respondent shall be considered in violation of probation.

12 In addition, Respondent, at any time during the period of probation, shall fully
13 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
14 tests and samples as the Board or its representatives may require for the detection of alcohol,
15 narcotics, hypnotics, dangerous drugs, or other controlled substances.

16 If Respondent has a positive drug screen for any substance not legally authorized
17 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
18 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
19 from practice pending the final decision on the petition to revoke probation or the accusation.
20 This period of suspension will not apply to the reduction of this probationary time period.

21 If Respondent fails to participate in a random, biological fluid testing or drug
22 screening program within the specified time frame, Respondent shall immediately cease practice
23 and shall not resume practice until notified by the Board. After taking into account documented
24 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
25 Board may suspend Respondent from practice pending the final decision on the petition to
26 revoke probation or the accusation. This period of suspension will not apply to the reduction of
27 this probationary time period.

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1 19. **Mental Health Examination.** Respondent shall, within 45 days of the
2 effective date of this Decision, have a mental health examination including psychological testing
3 as appropriate to determine her capability to perform the duties of a registered nurse. The
4 examination will be performed by a psychiatrist, psychologist or other licensed mental health
5 practitioner approved by the Board. The examining mental health practitioner will submit a
6 written report of that assessment and recommendations to the Board. All costs are the
7 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
8 result of the mental health examination will be instituted and followed by Respondent.

9 If Respondent is determined to be unable to practice safely as a registered nurse,
10 the licensed mental health care practitioner making this determination shall immediately notify
11 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
12 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
13 practice and may not resume practice until notified by the Board. During this period of
14 suspension, Respondent shall not engage in any practice for which a license issued by the Board
15 is required, until the Board has notified Respondent that a mental health determination permits
16 Respondent to resume practice. This period of suspension will not apply to the reduction of this
17 probationary time period.

18 If Respondent fails to have the above assessment submitted to the Board within
19 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
20 practice until notified by the Board. This period of suspension will not apply to the reduction of
21 this probationary time period. The Board may waive or postpone this suspension only if
22 significant, documented evidence of mitigation is provided. Such evidence must establish good
23 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
24 provided. Only one such waiver or extension may be permitted.

25 20. **Therapy or Counseling Program.** Respondent, at her expense, shall
26 participate in an on-going counseling program until such time as the Board releases her from this
27 requirement and only upon the recommendation of the counselor. Written progress reports from
28 the counselor will be required at various intervals.

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DATED: July 23, 2007

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Exhibit A
Accusation No. 2007-82

1 BILL LOCKYER, Attorney General
of the State of California
2 MARGARET A. LAFKO, State Bar No. 105921
Lead Supervising Deputy Attorney General
3 RITA M. LANE, State Bar No. 171352
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9 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2007 - 82

14 **LAURA LEE ROBINSON,**
15 **a.k.a. LAURA LEE SCHUBERT**
1521 Doris Lane
Newport Beach CA 92660
16 and
118 Ambroise
17 Newport Coast, CA 92657

A C C U S A T I O N

18 Registered Nurse License No. 539884
19 Public Health Nurse Certificate No. 59432

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
24 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
25 ("Board"), Department of Consumer Affairs.

26 **Registered Nurse License No. 539884**

27 2. On or about January 21, 1998, the Board issued Registered Nurse License
28 Number 539884 to Laura Lee Robinson, also known as Laura Lee Schubert ("Respondent").

1 Respondent's registered nurse license was in full force and effect at all times relevant to the
2 charges brought herein and will expire on April 30, 2007, unless renewed.

3 **Public Health Nurse Certificate No. 59432**

4 3. On or about August 21, 1998, the Board issued Public Health Nurse
5 Certificate Number 59432 to Respondent. Respondent's public health nurse certificate was in
6 full force and effect at all times relevant to the charges brought herein and will expire on April
7 30, 2007, unless renewed.

8 **STATUTORY PROVISIONS**

9 4. Business and Professions Code ("Code") section 2750 provides, in
10 pertinent part, that the Board may discipline any licensee, including a licensee holding a
11 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
12 2750) of the Nursing Practice Act.

13 5. Code section 2764 provides, in pertinent part, that the expiration of a
14 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
15 against the licensee or to render a decision imposing discipline on the license. Under Code
16 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
17 years after the expiration.

18 6. Code section 2761, subdivision (a), states that the Board may take
19 disciplinary action against a certified or licensed nurse or deny an application for a certificate or
20 license for unprofessional conduct.

21 7. Code section 2762 states, in pertinent part:

22 In addition to other acts constituting unprofessional conduct within
23 the meaning of this chapter [the Nursing Practice Act], it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

24 (a) Obtain or possess in violation of law, or prescribe, or except
25 as directed by a licensed physician and surgeon, dentist, or podiatrist
administer to himself or herself, or furnish or administer to another, any
26 controlled substance as defined in Division 10 (commencing with Section
11000) of the Health and Safety Code or any dangerous drug or dangerous
27 device as defined in Section 4022.

28 (b) Use any controlled substance as defined in Division 10
(commencing with Section 11000) of the Health and Safety Code, or any

1 dangerous drug or dangerous device as defined in Section 4022, or alcoholic
2 beverages, to an extent or in a manner dangerous or injurious to himself or
3 herself, any other person, or the public or to the extent that such use impairs
4 by his or her license.

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5 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
6 unintelligible entries in any hospital, patient, or other record pertaining to the
7 substances described in subdivision (a) of this section.

7 8. Code section 2770.11 states:

8 (a) Each registered nurse who requests participation in a diversion
9 program shall agree to cooperate with the rehabilitation program designed by a
10 committee. Any failure to comply with the provisions of a rehabilitation program
11 may result in termination of the registered nurse's participation in a program. The
12 name and license number of a registered nurse who is terminated for any reason,
13 other than successful completion, shall be reported to the board's enforcement
14 program.

12 (b) If a committee determines that a registered nurse, who is denied
13 admission into the program or terminated from the program, presents a threat to
14 the public or his or her own health and safety, the committee shall report the name
15 and license number, along with a copy of all diversion records for that registered
16 nurse, to the board's enforcement program. The board may use any of the records
17 it receives under this subdivision in any disciplinary proceeding.

16 9. Code section 4060 states:

17 No person shall possess any controlled substance, except that furnished to
18 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
19 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
20 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
21 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
22 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or
23 a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
24 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.
25 This section shall not apply to the possession of any controlled substance by a
26 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
27 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
28 practitioner, or physician assistant, when in stock in containers correctly
labeled with the name and address of the supplier or producer.

24 Nothing in this section authorizes a certified nurse-midwife, a nurse
25 practitioner, a physician assistant, or a naturopathic doctor, to order his or
26 her own stock of dangerous drugs and devices.

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10. Health and Safety Code section 11173, subdivision (a), states, in pertinent part:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . .

Cost Recovery

11. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES AT ISSUE

12. "Percocet", a brand of oxycodone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(N).

13. "Morphine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M).

14. "N-desmethyldiazepam" is a benzodiazepine and a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(9).

15. "Oxazepam" is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(23).

16. "Hydrocodone" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)J).

17. "Hydromorphone", also known as "Dilaudid," is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(K).

**RESPONDENT'S TERMINATION FROM BOARD'S
DIVERSION PROGRAM AS A PUBLIC SAFETY THREAT**

18. In or about July 2005, Respondent was enrolled in the Board's Diversion Program. In or about September 2005, the Diversion Evaluation Committee ("DEC") terminated Respondent from the Diversion Program as a public safety threat. The DEC also found that Respondent lacked insight regarding her treatment, refused to follow the mandates of the

1 Diversion Program and enter into residential treatment, continued using mind altering substances
2 for pain control, and tested positive for opiates on August 11, 2005.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Diversion, Possession, and Self-Administration of Controlled Substances)**

5 19. Respondent is subject to disciplinary action pursuant to Code section
6 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
7 2762, subdivision (a), in that on or about March 12, 2005, and August 11, 2005, while licensed
8 as a registered nurse, Respondent did the following:

9 **Diversion of Controlled Substances:**

10 a. On or about March 12, 2005, while on duty as a registered nurse at
11 Hoag Memorial Hospital, Newport Beach, California, Respondent obtained the controlled
12 substances Percocet and morphine by fraud, deceit, misrepresentation, or subterfuge, in violation
13 of Health and Safety Code section 11173, subdivision (a). Respondent withdrew various
14 quantities of Percocet and morphine from the hospital's Pyxis machine under patients Linda B.'s
15 and Margaret A.'s names, failed to administer the medications to the patients, and, by her own
16 admission, kept the Percocet and morphine for her own personal use.

17 **Possession of Controlled Substances:**

18 b. On or about March 12, 2005, while on duty as a registered nurse at
19 Hoag Memorial Hospital, Newport Beach, California, Respondent was found in possession of
20 one unit dose of Percocet and approximately .25 ccs of morphine, which she had taken from the
21 hospital's Pyxis machine. Respondent possessed the medications without a valid prescription
22 from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation
23 of Code section 4060.

24 **Self-Administration of Controlled Substances:**

25 c. On or about March 12, 2005, Respondent self-administered the controlled
26 substances N-desmethyldiazepam and oxazepam without lawful authority therefor in violation of
27 Code section 2762(a).

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1 d. On or about August 11, 2005, while enrolled in the Board's Diversion
2 Program, Respondent self-administered the controlled substances hydrocodone and
3 hydromorphone without lawful authority therefor in violation of Code section 2762(a).

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Use of Controlled Substances to an Extent or in a Manner**

6 **Dangerous or Injurious to Oneself or Others)**

7 20. Respondent is subject to disciplinary action pursuant to Code section
8 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
9 2762, subdivision (b), in that on or about March 12, 2005, while on duty as a registered nurse at
10 Hoag Memorial Hospital, Newport Beach, California, Respondent used the controlled substances
11 N-desmethyldiazepam and oxazepam to an extent or in a manner dangerous or injurious to herself
12 and/or others or to the extent that such use impaired her ability to conduct her nursing duties
13 safely. On the date indicated above, Respondent was observed by her charge nurse with slurred
14 speech (Respondent was also unfocused and animated). Respondent submitted to a urine drug
15 screen and tested positive for benzodiazepines, including N-desmethyldiazepam and oxazepam.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(False Entries in Hospital/Patient Records)**

18 21. Respondent is subject to disciplinary action pursuant to Code section
19 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
20 2762, subdivision (e), in that on or about March 12, 2005, while on duty as a registered nurse at
21 Hoag Memorial Hospital, Newport Beach, California, Respondent falsified, or made grossly
22 incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other records
23 pertaining to the controlled substances Percocet and morphine, as follows:

24 **Patient Linda B.**

25 a. On March 12, 2005, at 0940 hours, Respondent withdrew two tablets of
26 Percocet from the Pyxis machine under patient Linda B.'s name, but failed to chart the
27 administration of the Percocet in the patient's Medication Administration Record ("MAR") or
28 nurse's notes or otherwise account for the disposition of the two Percocet tablets.

1 b. On March 12, 2005, at 1120 hours, Respondent withdrew morphine 5 mg
2 from the Pyxis machine under patient Linda B.'s name when, in fact, the physician's order called
3 for the administration of 2 mg morphine. Further, Respondent made an entry in the Pyxis that
4 she administered 2 mg of morphine to the patient and wasted the remaining 3 mg (the wastage
5 was witnessed by another nurse), but failed to chart the administration of the 2 mg morphine in
6 the patient's MAR or nurse's notes or otherwise account for the disposition of the 2 mg
7 morphine.

8 **Patient Margaret A.**

9 c. On March 12, 2005, between 0917 and 0929 hours, Respondent withdrew
10 two Percocet tablets from the Pyxis machine under patient Margaret A.'s name and made entries
11 in the Pyxis that she administered one and a half tablets of the medication to the patient and
12 wasted the remaining half tablet. Respondent failed to have the wastage of the half tablet of
13 Percocet witnessed by another nurse or staff member and failed to chart the wastage of the half
14 tablet of Percocet in the patient's MAR or nurse's notes or otherwise account for the half tablet
15 of Percocet.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein
18 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 19 1. Revoking or suspending Registered Nurse License Number 539884, issued
20 to Laura Lee Robinson, also known as Laura Lee Schubert;
- 21 2. Revoking or suspending Public Health Nurse Certificate Number 59432,
22 issued to Laura Lee Robinson, also known as Laura Lee Schubert;

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3. Ordering Laura Lee Robinson, also known as Laura Lee Schubert, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

4. Taking such other and further action as deemed necessary and proper.

DATED: September 29, 2006.

Elliot Hocking for
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant